

**MINUTES OF THE PROCEEDINGS OF THE  
CONSERVATION COMMISSION OF THE CITY OF WORCESTER**

**Monday November 15, 2021**

Worcester City Hall - Levi Lincoln Chamber, with remote participation options available via Webex online at <https://cow.webex.com/meet/conservationcommissionwebex> and call-in number 415-655-0001 (Access Code: 1609734358).

**Conservation Commissioners Present:** Joseph Charpentier, Chair  
Amanda Amory  
Holly Jones

**Conservation Commissioners Participating Remotely:** Devin Canton, Vice Chair  
Sarah French  
**Conservation Commissioners Absent:** None

**Staff Present:** Stephen Cary, Division of Planning & Regulatory Services (DPRS)  
Michelle Smith, Division of Planning & Regulatory Services

**Call to Order** – Chair Charpentier called the meeting to order at 5:30 PM.

**Requests for Continuances, Extensions, Postponements, and Withdrawals**

**Item 8a&b – Burncoat Heights (CC-2013-051 & CC-2017-043)**

Request to Continue Public Hearing to December 13, 2021  
Extend the Constructive Grant Deadline to January 4, 2022

**Old Business – Discussion & Issuance of Orders of Conditions**

**Item 1 – 135 Goddard Memorial Drive and 3 Coppage Drive (CC-2021-051, DEP#349-1309) - Notice of Intent**

Ms. Smith gave an overview of the history of this item, noted that Commissioner French is not eligible to vote; stated that she spoke with applicant and applicant is amendable to staff-recommended orders of condition; gave a brief summary of the recommended orders, relative to DEP concerns, construction timing and phasing, dewatering, updating operation and maintenance plan to allow for regular mowing and sediment removal without a future filing, and other issues; asked Commission to consider whether or not to include turbidity monitoring and stated her recommendation on the issue of turbidity.

Chair Charpentier asked if there was an applicant on the line; Ms. Smith stated that there was not.

Chair Charpentier asked whether sediment removal was something that would happen often; suggested that applicant notify Commission when sediment removal would occur; agreed with Ms. Smith's suggestion of turbidity monitoring; asked Ms. Smith to clarify about specifics of dewatering; Ms. Smith clarified.

**On a motion by Commissioner Amory; seconded by Commissioner Jones; the Commission voted 4-0 to issue the Orders of Condition (Commissioner French abstained).**

**Old Business – Requests for Determination of Applicability**

**Item 2 - 1159 Main Street (CC-2021-060) – Request for Determination of Applicability**

Jorge Acero, applicant, gave a history of his ownership of the property and his reasoning for needing a fence, which is to stop the public from entering his property.

Chair Charpentier asked whether fence would be on an existing paved area; Mr. Acero clarified as to where it would be.

Commissioner Jones asked how the fence fits within the floodplain regulation; Ms. Smith clarified that fence is likely right at the fringe of the floodplain and that Commission could request a survey be done.

No public comment.

**On a motion by Commissioner Jones, seconded by Commissioner Amory, the Commission voted 4-0 to issue a negative determination with conditions: that there shall be no net fill, that the fence shall be 6” above existing grade for wildlife passing, that activities shall be conducted in accordance with approved plan; and that the fence shall be no closer than 20’ to the bank and as close as practical to the existing pavement. (Commissioner French abstained.)**

**New Business - Requests for Determination of Applicability**

**Item 3 – 10 Parsons Hill Drive (CC-2021-063) – Request for Determination of Applicability**

Odette Lopez, applicant, gave an overview of the proposed work, to move existing fencing to the property lines, based on a recent survey.

Ms. Smith gave additional details on vegetation cutting that was done close to edge of wetland and where proposed fence would go.

Chair Charpentier asked to clarify on location of fence relative to wetland; Ms. Smith clarified.

Ms. Lopez discussed a neighbor’s activity; Ms. Smith suggested that they speak outside the meeting on the matter; Ms. Smith reminded Ms. Lopez that she needs Parks Dept approval to remove any shade tree.

No public comment.

**On a motion by Commissioner Amory, seconded by Commissioner Canton, the Commission voted 5-0 to issue negative determination, with condition that the portion of fence closest to wetland have a sign denoting presence of protecting wetland and no dumping is permitted; and a condition that replacement tree to be planted be a native species and of 1” caliper.**

**Item 4 – 261 (aka 249) Lake Avenue (CC-2021-064) – Request for Determination of Applicability**

Enio Barbosa, applicant, gave a history of their work on the site and discovery of rock and debris; described intention to fill hole with soil and seed and to remove dead and dying trees.

Chair Charpentier asked how far proposed work is from edge of lake; Mr. Barbosa clarified 70 feet.

Commissioner Jones asked about source of fill; Mr. Barbosa clarified that it would be from the neighboring property.

Commissioner Canton asked if fill would be removed from the site; Mr. Barbosa clarified that it would be.

Commissioner Amory asked applicant how site would be excavated; Mr. Barbosa stated that excavator would not need to get closer than 100 feet of the lake.

Commissioner Jones asked Mr. Barbosa to describe the fill further; Mr. Barbosa further explained that fill would only be in the foundation.

Commissioner French asked to clarify that there would be no fill on the backside; Mr. Barbosa confirmed.

Ms. Smith described erosion control barriers on site and that all regrading is occurring sloping down to Lake Avenue, not towards Lake.

Commissioner Canton asked applicant to clarify on timing; Mr. Barbosa stated they would move forward as soon as they have approval; Mr. Barbosa stated the even if soil is not seeded before winter the foundation will keep it in place.

Chair Charpentier suggested that applicant consider another form of stabilization if they are not able to seed before winter; Ms. Smith suggested sod; Mr. Barbosa stated he was amendable to that.

No public comment.

**On a motion by Commissioner Amory, seconded by Commissioner Canton, the Commission voted 5-0 to issue a negative determination with condition that area to be filled with soil be stabilized.**

Ms. Smith stated that she could perform site visit.

**Item 5 – 796 Salisbury Street, 0 Kingston Common, & 0 Shiringham Lane (aka part of the Salisbury Green Condominiums (CC-2021-065) – Request for Determination of Applicability**

Paul McManus, EcoTec, described the determination being requested; described the condominium development and site conditions; described wetland features in proximity to the site; clarified that they are looking for determination from the Commission on stormwater standards to be met before investment in stormwater management system; described measurements by engineers that have been performed on the site.

Chair Charpentier asked how long ago the site was constructed; Mr. McManus stated decades ago.

Chair Charpentier stated that in a similar case, created wetlands were determined to be jurisdictional; Chair Charpentier stated that he would like to perform a site walk.

Commissioner Amory asked staff whether there was record of this former project; Ms. Smith stated that they have not found any but will check again.

Commissioner Jones asked if basins were mapped as potential vernal pools; Mr. McManus stated he did not determine that.

No public comment.

Chair Charpentier suggested they continue to December 13, 2021.

Ms. Smith stated where vernal pools were mapped.

Mr. McManus clarified as to where buildings were existing and where foundations are.

Chair Charpentier stated that staff will be in touch about site walk.

**On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 5-0 to continue the hearing to December 13, 2021.**

**Item 6 – 75 & 85 McKeon Road and part of 692 Millbury Street aka Blackstone Gateway Park (CC-2021-066) – Request for Determination of Applicability**

Casey- Lee Bastien, BSC Group, summarized the work proposed; Blackstone Gateway boardwalk, completed in 2018, is proposed to be painted.

Chair Charpentier asked applicant to describe procedure; Mr. Bastien stated that boardwalk would be painted from the top with a sprayer for paint and drop spreader for sand; mixing and prep will be done outside of resource area; there will be spill kit on site.

Chair Charpentier asked if there was any potential issue with overspray; Mr. Bastien stated that it has been done before and rollers actually lost more paint.

Commissioner Amory asked if a plastic sheet could be utilized to prevent dripping; Mr. Bastien described what might be feasible in that regard.

Commissioner Jones asked about safety notes and toxicity and agreed that a tarp to prevent paint into the wetland is recommended; Mr. Bastien stated that a tarp detail for bridge crossing could be provided.

Commissioner Amory asked about timeline; Mr. Bastien clarified that complete process would wait until the spring; Commissioner Amory asked when results of test case would be available; Mr. Bastien stated that they would be available by next meeting.

**No public comment.**

**On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 5-0 to issue a negative determination with condition that test results and documentation of efficacy of a tarp to prevent chemical exposure to the water resource be provided to the condition.**

**New Business – Notices of Intent**

**Item 7 - 20 Pine Hill Road (CC-2021-061; DEP#349-1311) – Notice of Intent**

Glenn Krevosky described history of the property and its past filing; described proposed site layout and existing conditions.

Chair Charpentier stated that he recalled the site from its last filing and appreciates that the current iteration is a smaller development.

Mr. Krevosky described wetlands on site and water flow.

**No public comment.**

**On a motion by Commissioner Canton, seconded by Commissioner Jones, the Commission voted 5-0 to close the hearing.**

Ms. Smith described recommended orders of conditions.

Chair Charpentier stated that he agreed with the suggested conditions.

**On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 5-0 to issue Order of Conditions.**

#### **Other Business - 12427**

#### **Item 8 - Requests for Certificates of Compliance**

- a. Burncoat Heights (CC-2016-070, as amended by CC-2017-043; CC-EO-2019-001)
- b. Burncoat Heights (CC-2013-051)

**On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 5-0 to postpone 8a and 8b to December 13, 2021 meeting.**

- c. 4 Gaylord St (CC-2019-037)

Ms. Smith stated that site has been paved.

**On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 5-0 to issue.**

- d. 668 Burncoat Street (CC-2019-054; DEP#349-1255)

Chair Charpentier described the site conditions and steps taken to meet orders and their shortcomings.

Ms. Smith stated that she would relay to applicant the necessary adjustments.

**On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 5-0 to postpone to December 13, 2021 meeting.**

- e. 149 West Boylston Drive (CC-2020-024; DEP#349-1274)

Ms. Smith described the request from the City of Worcester DPW&P.

**On a motion by Commissioner Jones, seconded by Commissioner Amory, the Commission voted 5-0 to issue.**

- f. 125 Goddard Memorial Drive (CC-2020-036; DEP#349-1282)

Ms. Smith described site conditions; stated that erosion control blanket had not yet been taken by vegetation but otherwise site was in good shape.

Shawn Smith, on behalf of applicant, stated that he agreed with Ms. Smith's assessment.

Commissioner Jones stated that she would prefer to wait until site is fully stabilized; Commissioner Amory concurred.

Ms. Smith suggested that applicant could install stone instead of vegetation given that they are at the end of growing season.

Mr. Smith stated that they are amenable to conditioning sod or stone.

**On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 5-0 to issue with condition that applicant must demonstrate stabilization before certificate can be released.**

- g. 8 Ellie Way (CC-2007-038)

Ms. Smith stated that there are no approved plans on file; recommended that they issue a resolution stating that order has expired.

- h. 12, 14 & 16 Ellie Way & Ellie Way ROW (CC-2014-041)

**On a motion by Commissioner Amory, seconded by Commissioner Jones, the Commission voted 4-0 (Commission Canton had audio issues) to issue a resolution for Item 8g and a Certificate of Compliance for Item 8h.**

#### **Item 9 - Enforcement Order and Violation Updates**

- a. White Birch Commons FKA Burncoat Gardens FKA Goldthwaite Road (CC-EO-2017-001)
- b. 217 Lake Avenue (CC-EO-2020-004)
- c. 449 Massasoit Road (CC-EO-2020-006)
- d. Across from 133 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Dominion Road & Belcourt Road) and Lake Quinsigamond (CC-EO-2020-007)
- e. Across from 175 North Lake Avenue – East side of Lake Avenue North Right-of-Way (between Belcourt Road & Sonoma Drive) and Lake Quinsigamond (CC-EO-2020-008)
- f. 99 Wildwood Avenue (CC-EO-2020-009)

- g. 166 Moreland Street (CC-EO-2020-011)
- h. 522 Grove Street (CC-EO-2020-014)
- i. 0 Myrick Avenue (CC-EO-2020-015)

Applicant stated that wetlands flag would be hung shortly.

- j. Modoc Street (CC-EO-2021-001)
- k. 75 Harrington (CC-EO-2021-003)
- l. 40 June Street Terrace (CC-EO-2021-004)
- m. 12 AKA 0 Balis Avenue (CC-EO-2021-005)
- o. 269 James Street (CC-EO-2021-007)
- p. 90 AKA 100 Camelot Street AKA Farber Field (CC-EO-2021-008)

Chair Charpentier encouraged members of the Commission to check on these sites.

Ms. Smith discussed enforcement orders related to Lake Quinsigamond-adjacent properties and White Birch Commons.

**Item 10 - Approval of Minutes – 5/24/2021; 8/2/2021; 10/4/2021; 10/25/2021**

Approval of minutes was postponed to the following meeting.

**Item 11 – Policies and Procedures**

Commissioner Jones requested update on new Conservation Agent at the next meeting.

Ms. Smith described digital repository for site photos.

**Adjournment**

**The Commission voted unanimously to adjourn the meeting at approximately 7:26pm.**